

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE EXPORT-IMPORT BANK OF
THE REPUBLIC OF CHINA,

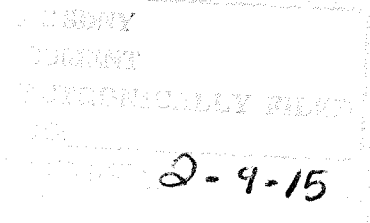
Judgment Creditor,

-against-

REPUBLIQUE DU NIGER,

Judgment Debtor.
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97 CIV 3090 (LAK)



**ORDER TO SHOW CAUSE WHY A RESTRAINING NOTICE SHOULD NOT ISSUE
WITH A TEMPORARY RESTRAINING ORDER**

WHEREAS, on October 23, 1998, this Court entered judgment in favor of
Petitioner/Judgment Creditor The Export-Import Bank of the Republic of China (“Ex-Im Bank”)
and against Judgment Debtor République du Niger (“Niger”) in the amounts of \$60,706,710.06
plus interest and \$11,959,293.41 plus interest (the “Judgment”), all of which remains due and
unpaid; and

WHEREAS, in connection with its efforts to enforce the Judgment, Ex-Im Bank recently
learned of an on-going contract between Exelon Generation Company, LLC (“Exelon
Generation”), a foreign limited liability company registered in the State of New York, and the
Société de Patrimoine des Mines du Niger (“SOPAMIN”), Niger’s state-owned uranium
company, pursuant to which Exelon Generation has purchased or will purchase uranium
concentrates from SOPAMIN, and is anticipated to make a payment to SOPAMIN by February
14, 2015 (the “Next Payment”);

NOW, UPON THE APPLICATION of Sullivan & Worcester LLP, counsel for Ex-Im Bank, the Declaration of Andrew T. Solomon, dated February 9, 2015, the accompanying memorandum of law, and all pleadings, papers, and evidence submitted in connection with the above-captioned action, it is

ORDERED that Niger show cause before the Honorable ~~Lewis A. Kaplan~~, at the United States Courthouse located at 500 Pearl Street, New York, New York, 10007, on February ~~5~~ **11** 2015 at ~~11:00 a.m.~~ **11:00 a.m.** m, or as soon thereafter as counsel may be heard, why an order should not be entered, pursuant to 28 U.S.C. § 1610(c), Rule 69(a) of the Federal Rules of Civil Procedure, and Section 5222(b) of the New York Civil Practice Law and Rules, authorizing Ex-Im Bank to serve a restraining notice on Exelon Generation and thus forbid it "to make or suffer any sale, assignment, or transfer of, or interference with" any property in which Niger or SOPAMIN has an interest "except upon direction of the sheriff or pursuant to an order of the court, until the expiration of one year after the notice is served upon [Exelon Generation] or until the judgment or order is satisfied or vacated" (CPLR 5222(b)); and it is

ORDERED that, sufficient reason having been shown therefor, pending the hearing of Ex-Im Bank's application, pursuant to Rule 65 of the Federal Rules of Civil Procedure, Exelon Generation, Niger, SOPAMIN, and any other person or entity with notice of this order, are temporarily restrained and enjoined from making or permitting the transfer of the Next Payment (or any subsequent payment); and it is further

ORDERED that service of this Order and Ex-Im Bank's supporting papers upon Niger on the following persons and in the manner stated, on or before February ~~9~~ **9**, 2015 at ~~11:00 a.m.~~ **5:00 p.m.** a m shall be deemed good and sufficient service

Boubacar Moussa Rilla, Chargé d'Affaires
Embassy of the Republic of Niger

2204 R Street, NW
Washington, D.C. 20008
By Electronic Mail and Federal Express


Maman Sani Arzika, Director General of Legislation and Litigation
Secretariat General of Niger
arzika.sani@yahoo.fr
By Electronic Mail

Boulama Mamane, Principal Inspector of the Treasury
Boulamane59@yahoo.fr
By Electronic Mail

S.E. Brigi Rafini, Premier Ministre
Cabinet du Premier Ministre
République du Niger
Niamey, Niger
B.P. 893
By Federal Express

Jules Baillet, Ministre des Finances
Ministère des Finances
République du Niger
Niamey, Niger
BP 862
By Federal Express

and it is further **ORDERED** that service of this Order and Ex-Im Bank's supporting papers upon Exelon Generation on the following persons and in the manner stated, on or before February 9, 2015 at ~~3:00 p.m.~~ **5:00 p.m.** shall be deemed good and sufficient service:

 SIDLEY AUSTIN LLP
Patrick Croke
One South Dearborn
Chicago, IL 60603
pcroke@sidley.com
By Electronic Mail and Federal Express

and it is further **ORDERED** that service of this Order and Ex-Im Bank's supporting papers upon SOPAMIN on the following persons and in the manner stated, on or before February 9, 2015 at ~~3:00 p.m.~~ **5:00 p.m.** shall be deemed good and sufficient service:

Mahamadou Zada, Director-General
SOPAMIN
Siège social, Niamey, Quartier Koiri Kano,
Avenue des Ambassades, BP.11500, République du Niger
By Federal Express

and it is further **ORDERED** that answering papers, if any, shall be served by hand
delivery or electronic mail upon counsel for Ex-Im Bank, Paul E. Summit, Andrew T. Solomon,
and Caitlin C. Fahey, Sullivan & Worcester LLP, 1633 Broadway, New York, NY 10019, on or
before February 10, 2015 at 5:00 p.m., and it is further

~~ORDERED~~ that reply papers, if any, shall be served on Exelon Generation, Niger and
SOPAMIN in the manner stated above on or before February 16, 2015 at 5:00 p.m.

Dated: New York, New York
February 9, 2015

Hon. Lewis A. Kaplan
United States District Judge